

### **Remarks**

Claims 1-23 are pending in the application, of which claims 1-23 are rejected. By this paper, Applicant has amended claims 1, 5-6, 8, 10-11, 14, 18, 20, and 23, canceled claims 3, 9, 17, 19, and 21, and added new claims 24-25. Applicant respectfully traverses the rejection of claims; however, Applicant amends the claims in order to further prosecution.

#### ***Claims Rejections - 37 C.F.R 1.75(c)***

The Examiner objected to claims 9 and 10 as being in improper form because claim 9 recited that it depends on itself. The Examiner assumed that claim 9 depended on claim 1 for the purposes of examination. The Applicant canceled claim 9 and amended claim 10 such that it now depends from claim 8.

#### ***Claims Rejections - 35 U.S.C. § 103***

##### **Rejection of claims 1-13 and 15-23 over Ridgeway (4,050,396) in view of Oja (4,699,597)**

The Examiner has rejected claims 1-13 and 15-23 under 35 U.S.C. § 103(a) as being unpatentable over Ridgeway 4,050,396 in view of Oja 4,699,597.

Claim 1 has been amended to include the limitations of claim 3 and additional limitations. The apparatus in claim 1 is to be used with a remote pump and is for attachment to the pump inlet and conduit leading to the pump when in use. A pair of sections mount about the end of the conduit, and form at least one opening in a substantially horizontal plane between them. The Examiner cited Ridgeway as having a "pump inlet (26), within an interior of the hollow body (10) ... ." Ridgeway '396 has a "pump inlet opening 26 of bottom wall 18" such that the pump inlet is a part of the hollow body itself and not on the interior. (See Ridgeway '396, Column 2, Line 14). Oja '597 has an inlet opening 34 which is a part of the shell or hollow body 14 (see Oja '597, Fig 1). Both Ridgeway '396 and Oja '597 teach integrating the pump inlet into

the structure of the hollow body and not placing it within the interior of the hollow body, and therefore the combination of Ridgeway '396 and Oja '597 does not teach this limitation in claim 1. The openings for the hollow body in Ridgeway '396 are on the bottom plane of his hollow body, and the opening in Oja '597 are located in a vertical plane. Neither teach the openings to be in a horizontal plane formed between the two sections of the hollow body. Therefore claim 1 is nonobvious in light of Ridgeway '396 and Oja '597.

Claim 2 is amended to correspond with the language of claim 1 and is nonobvious for at least the reasons stated above with respect to claim 1.

Claim 4 requires the hollow body to be "non-floatable in a pool of water." The Examiner stated that the hollow body of Oja '597 was "non-floatable (submerged under water level 20), in figure 1." The hollow body of Oja '597 is attached to the motor for a boat (see Oja '597, Column 3, Lines 1-3 and 10-12), which is why the hollow body is under the water level. Oja '597 teaches that the shell 32 can be handled easily "even by a small person, or a child" and that it is "of very light weight." (See Oja '597, Column 4, Lines 23, 28-29). Oja '597 does not teach that the hollow body be floatable or non-floatable, and therefore claim 4 is nonobvious in light of Ridgeway '396 and Oja '597 and for at least the reasons stated above with respect to claim 1.

Claim 5 is amended to correspond with the language of claim 1 and requires "a plurality of spaced openings, which are arranged in a row about the mid section or mid part of the hollow body which has the greatest diameter." Claim 5 depends from claim 1 which requires the openings be for ingress of liquids. The Examiner states that Ridgeway '396 has a plurality of openings and that Oja '597 has one or more openings arranged in a row about the mid-section of the hollow body with the greatest diameter. Ridgeway '396 does have more than one opening into the hollow body. Oja '597 does have two openings into the hollow body, however only one opening is for ingress of liquid, and the other is for the egress of liquid. (see Column 2, Lines 64-65). Oja '597 teaches an impeller style fan inside of the hollow shell, with the liquid entering longitudinally, and exiting either longitudinally or tangentially. (see Column 4, Lines 60-66). If Oja '597 were to have liquid enter along a direction other than longitudinally through another

opening, the flow streamlines within the hollow body could be severely disturbed and the impeller would not function properly or efficiently (i.e, swirl, back flow, or cavitation problems). Therefore it would not be obvious to combine the designs of Ridgeway '396 and Oja '597, because of the lack of functionality if Oja '597 had multiple openings spaced about the mid-section in a row. Therefore claim 5 is nonobvious in light of Ridgeway '396 and Oja '597 and for at least the reasons stated above with respect to claim 1.

Claim 6 is amended to correspond with the language of claim 1 and requires "a single elongate opening in the hollow body about a majority of its central diameter." The Examiner stated that it would be obvious to modify the bailing apparatus of Ridgeway '396 and Oja '597 by selecting only a single aperture instead of plural apertures. Ridgeway '396 has the opening placed on the bottom surface of the hollow body such that the liquid may flow into the hollow body. (See Fig 3). Oja '597 has the opening placed on the central diameter, however it does not extend about the diameter. As described in claim 6, the opening is "about" the central diameter. Webster-Merriam Dictionary defines "about" to be "around" or "on all sides", or "around the outside." Neither Ridgeway '396 or Oja '597 teach an opening around the outside of the central diameter. If this were to be used in Oja '597, the same issues with the flow streamlines would occur as discussed with regard to claim 5 and it would not be a usable pump. Therefore claim 6 is nonobvious in light of Ridgeway '396 and Oja '597 and for at least the reasons stated above with respect to claim 1.

Claim 7 requires the opening to be adjustable in width. Neither Ridgeway '396 or Oja '597 teach or discuss means for variable flow rates or for adjustable openings. The Applicant believes that it would not be obvious to one skilled in the art to create an adjustable opening by changing the width of the opening. The hollow body of Oja '597 needs to fit closely around the propellor/impellor blade to induce proper and efficient flow, and by adjusting the size of his inlet hole, this would negatively affect the spacing between the blades and the hollow body wall. Claim 7 is nonobvious for at least the reasons stated above with respect to claim 6.

Claim 8 is amended to correspond with the language of claim 1 and is nonobvious for at least the reasons stated above with respect to claim 1.

Claim 9 is canceled.

Claim 10 is amended to depend from claim 8 and is nonobvious for at least the reasons stated above with respect to claim 8.

Claim 11 is amended to correspond with the language of claim 1 and requires the hollow body to have "retaining means which in use retains the inlet for the conduit within the hollow body." Claim 12 requires that the retaining means be a "plurality of upright rods attached to an internal surface of the hollow body." The Examiner stated for claims 11 and 12 that Oja '597 discloses that a "hollow body (32) has a retaining means (44) which in use retains the pump inlet (34) within the hollow (sic) body (32) in figure 2, 4," and that the retaining means could be "a plurality of upright rods (44) attached to an internal surface of the hollow body." Oja '597 teaches a hollow body that may be attached to a motor for a boat, and element 44 is the lower structural portion of the motor (used as a impeller/pump). The pump inlet 34 is integral to the hollow body 32 in Oja '597, as the inlet is formed when the two halves of the hollow body are fitted together. The hollow body of Oja '597 does not have a retaining means for the pump inlet, and therefore claims 11 and 12 are nonobvious in light of Ridgeway '396 and Oja '597 and for at least the reasons stated above with respect to claim 1.

Claim 13 is nonobvious in light of Ridgeway '396 and Oja '597 for at least the reasons stated above with respect to claims 11-12, due to neither Ridgeway '396 or Oja '597 having a retaining means for the pump inlet. Therefore it would not be obvious to one having ordinary skill in the art to add a retaining means being "one of a plurality of peripheral ribs located on an internal surface of the hollow body surrounding the pump inlet in use." (as required in claim 13).

Claim 15 requires a pump inlet to be included with the apparatus. Claim 15 is nonobvious for at least the reasons stated above with respect to claim 1.

Claim 16 is nonobvious for at least the reasons stated above with respect to claims 1 and 15.

Claim 17 is canceled.

Claim 18 is amended to correspond with the language of claim 1 and is nonobvious for at least the reasons stated above with respect to claims 1 and 15.

Claim 19 is canceled.

Claim 20 is amended to correspond with the language of claim 1 and depend from claim 15. Claim 20 is nonobvious for at least the reasons stated above with respect to claims 1 and 15.

Claim 21 is canceled.

Claim 22 is nonobvious for at least the reasons stated above with respect to claim 1.

Claim 23 is amended to include that "the at least one opening" be "located along the junction between the pair of sections for a majority of outer perimeter of the hollow body" and that liquid flows radially into the hollow body. This is not taught by Ridgeway '396 or Oja '597 alone or in combination. If the opening in Oja '597 were to extend around a majority of the perimeter of the hollow body, the flow through design would fail because the streamlines and flow pattern would be disrupted. Therefore claim 23 as amended is nonobvious in light of Ridgeway '396 and Oja '597.

**Rejection of claim 14 over Ridgeway  
(4,050,396) in view of Oja (4,699,597)  
and further in view of Guilmette (6,435,849)**

The Examiner has rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Ridgeway 4,050,396 in view of Oja 4,699,597 and further in view of Guilmette (6,435,849).

Claim 14 has been amended to depend from claim 4 and requires that "the hollow body is provided with an attachment means for attaching a tether." Claim 4 requires that the hollow body be non-floatable in a pool of water. The Examiner stated that it would be obvious to one having ordinary skill in the art to modify the pump of Ridgeway '396 and Oja '597 by adding a "attachment means (72) for attaching a tether" as shown in Guilmette '849. Guilmette '849 attaches a floatable pump directly to another object (Fig. 9) or via hoses (Fig. 12), but not using a separate tethering system. Therefore claim 14 is nonobvious for at least the reason stated here and above with respect to claims 1 and 4.

### ***New Claims***

New claims 24-25 have been added, which depend from amended claim 23. Therefore, new claims 24-25 are nonobvious for at least the reasons stated above with respect claim 23.

### ***Conclusion***

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

The Petition fee of \$65 for the extension of time is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

**ANGUS REARDON**

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By /John E. Nemazi/

John E. Nemazi - Reg. No. 30876  
Attorney/Agent for Applicant

**BROOKS KUSHMAN P.C.**

1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238

Phone: 248-358-4400; Fax: 248-358-3351